

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 16517 247 [38-21;51893(B)]

First Inventor FINCHER, Karen L.

Title Nucleic Acid Molecules and Other Molecules Associated with Plants

Express Mail Label No.

PTO
09/849529
05/07/01**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
Submit an original and a duplicate for fee processing.
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 89]
preferred arrangement set forth below:
- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the invention
- Brief Summary of the invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 3]
a. ☒ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
c. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63.d(2) and 1.33(b)
6. ☐ Application Data Sheet See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☒ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☒ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76.

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.

Prior application information: Examiner

Group / Art Unit

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference.
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

28381

or ☐ Correspondence address below*Insert Customer No. or Attach bar code label here.*Name David R. Marsh
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May 7, 2001

Box Patent Application



Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Nonprovisional Application
Appl. No.: To Be Assigned
Filed: Herewith
For: Nucleic Acid Molecules and Other Molecules
Associated with Plants
Inventors: Fincher *et al.*
Atty. Docket: 16517.247 [38-21(51893)B]

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.
Patent and Trademark Office:

1. This Transmittal Letter;
2. Utility Patent Application Transmittal (PTO SB 05);
3. U.S. Non-Provisional Application entitled:

Nucleic Acid Molecules and Other Molecules Associated with Plants

and naming as inventors:

FINCHER, Karen L. and ZIEGLER, Todd L.

the application consisting of:

- a. A specification containing:
 - (i) 86 pages of a description prior to the claims;
 - (ii) 2 pages of claims (9 claims); and

4. three (3) CD-ROMs separately containing:
 - (i) the sequence listing in computer readable form (*i.e.*, CRF);
 - (ii) Copy 1 of the sequence listing on compact disc; and
 - (iii) Copy 2 of the sequence listing on compact disc;
5. a Statement Regarding Sequence Submission;
6. a Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (PTO SB 35);
7. an executed Combined Declaration and Power of Attorney, executed by Karen L. Fincher (3 pages);
8. an executed Combined Declaration and Power of Attorney, executed by Todd E. Ziegler (3 pages);
9. check No. 200531 in the amount of \$710 to cover the basic filing fee; and
10. two (2) return postcards.

This application claims priority under 35 U.S.C. §119(e) of U.S. Provisional Application Serial No. 60/196,868 filed on May 9, 2000, the disclosure of which application is incorporated herein by reference in its entirety.

Submitted herewith are a sequence listing on CD-ROM (two copies) and a sequence listing Computer Readable Form (CRF) on CD-ROM, in compliance with 37 C.F.R. §§ 1.52(e), 1.77, and 1.823.

Three CD-ROMs accompany this transmittal letter: two copies of a sequence listing (Seq. Listing: Copy 1, Seq. Listing: Copy 2), a sequence listing CRF, Seq. Listing: Copy 1 and Seq. Listing: Copy 2 are identical to each other and to the sequence listing CRF. All three sequence listing CD-ROMs each contain one file called "pa_00349.rpt" which is 19,928,021 bytes in size (measured in MS-DOS) and was created on May 4, 2001. All CD-ROMs are in IBM-PC

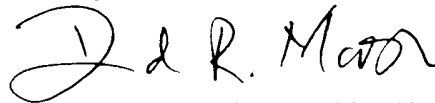
ARNOLD & PORTER

Assistant Commissioner for Patents
16517.247 [38-21(51893)B]
Page 3

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

Applicants do not believe that any fees other than the basic filing fee (\$710) are due in conjunction with this filing. However, should any additional fees be required, the Patent and Trademark Office is authorized to charge any additional fees or credit any overpayment to Arnold and Porter deposit account 50-1824.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. R. Marsh". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David R. Marsh (Reg. No. 41,408)

June E. Cohan (Reg. No. 43,741)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FINCHER, Karen L.

Appln. No.: To Be Assigned

Filed: May 7, 2001

For: Nucleic Acid Molecules and Other
Molecules Associated Plants

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 16517.247 [38-21(51893)B]

Statement Regarding Sequence Submission

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In accordance with 37 C.F.R. § 1.821(f), the compact disk copies of the Sequence Listing and the computer-readable copy of the Sequence Listing submitted herewith in the above-mentioned application are the same.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)

Date:

May 7, 01

ARNOLD & PORTER
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	FINCHER, Karen L.
	Title	Nucleic Acid Molecules and Other Molecules Associated with Plants
	Atty Docket Number	16517.247 [38-21(51893)B]

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 7, 01
Date

David R. Marsh
Signature

David R. Marsh (Reg. No. 41,408)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) and the PTO to process that request. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments, suggestions, or requests to improve this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20593.